

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEVE HERNANDEZ,

Defendant.

8:08CR134

ORDER

Defendant Steve Hernandez (Hernandez) appeared before the court on June 4, 2014, on the Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 63). Hernandez was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, Hernandez waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Hernandez should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Hernandez declined to present any evidence or request a hearing on the issue of detention. Since it is Hernandez's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Hernandez has failed to carry his burden and that Hernandez should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 8:30 a.m. on July 22, 2014**. Defendant must be present in person.

2. Defendant Steve Hernandez is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 4th day of June, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge